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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
-v-
:
ERIC LESAK,
:
:
Defendant. :
- - - - -x

ORDER OF FORFEITURE /
PRELIMINARY ORDER
OF FORFEITURE AS TO
SPECIFIC PROPERTY

07 Cr. 396 (JES)

WHEREAS, on or about May 25, 2006, a four-count Indictment 06 Cr. 408 (JES) (the "Florida Indictment") was filed, in the Middle District of Florida, which was transferred to the Southern District of New York pursuant to Rule 20 of the Federal Rules of Criminal Procedure, charging Eric Lesak ("the Defendant") with four counts of wire fraud, in violation of 18 U.S.C. § 1343 and 2;

WHEREAS, on or about May 8, 2007, a three count Information (the "Information") was filed in the Southern District of New York, charging the defendant with one count conspiracy to commit securities fraud and two counts securities fraud, in violation of 18 U.S.C. §§ 371 and 2, 15 U.S.C. §§ 78j(b) and 78ff and 17 C.F.R. § 240.10b-5;

WHEREAS, the Florida Indictment included a forfeiture allegation charging that the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all of his interest in any property constituting or derived from proceeds obtained directly or indirectly as a result

of the said violation, including but not limited to the following:

(a) A sum of money equal to the amount of proceeds obtained as a result of the offenses in violation of 18 U.S.C. § 1343;

(b) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 216 Mill Road, Manorville, Suffolk County, New York, more particularly described in the attached Schedule A;

(c) 2003 Hummer H2, VIN 5GRGN23U63H3H119492; and

(d) 1996 Range Rover, VIN SALPVL243TA325142;

WHEREAS, the Information included a forfeiture allegation charging that the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, constituting or derived from proceeds traceable to the commission of the offenses charged in the Information, including but not limited to the following: at least \$8,493,037.00 in United States Currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the securities fraud and conspiracy to commit securities fraud;

WHEREAS, on or about May 8, 2007, the defendant pled guilty to the Florida Indictment and the Information, and admitted to the forfeiture allegations therein, including the forfeiture of:

(i) a sum of money equal to \$8,493,037.00 in United States Currency, representing the amount of proceeds obtained as a result of the offenses (the "Money Judgment");

(ii) all right, title and interest of the defendant in the following specific property:

(1) all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 216 Mill Road, Manorville, Suffolk County, New York; and

(2) One 1996 Range Rover, VIN SALPV1243TA325142; (collectively, the "Subject Property");

WHEREAS, pursuant to 21 U.S.C. § 853(g), the United States is, by virtue of said guilty plea, now entitled, pending any assertion of third-party claims, to reduce the Subject Property to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The defendant's right, title and interest in the sum of \$8,493,037.00, entered to as a money judgment, is forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21 U.S.C. § 853.

2. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States

Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrews Plaza, New York, New York 10007.

3. Pursuant to Federal Rules of Criminal Procedure 32.2(b)(3), the aforementioned 1996 Range Rover VIN SALPV1243TA325142, shall be seized pursuant to this Preliminary Order of Forfeiture and is to be held thereafter by the United States Marshals Service (or its designee) in its secure custody and control.

4. Pursuant to 21 U.S.C. § 853(n)(1), the United States Marshals Service forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this order, notice of the United States' intent to dispose of the Subject Property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the Subject Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

5. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in

the Specific Property and any additional facts supporting the petitioner's claim and the relief sought.

6. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Property that is the subject of this Order of Forfeiture, as a substitute for published notice as to those persons so notified.

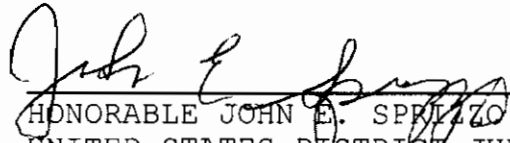
7. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

9. The Clerk of the Court shall forward four certified copies of this order to Assistant U.S. Attorney Sharon Cohen Levin, One St. Andrews Plaza, New York, New York, 10007.

Dated: New York, New York
August 28, 2007

SO ORDERED:


HONORABLE JOHN E. SPILLZO
UNITED STATES DISTRICT JUDGE